

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....January 7, 2004
TIME.....4:45 P.M.
PLACE.....COUNTY OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

KD Benson
Dr. Carl Griffin
Gary Schroeder
Mark Hermodson
Jack Rhoda
Steve Schreckengast
David Williams

STAFF PRESENT

Sallie Fahey
Kathy Lind
Heather Prough
Jay Seeger, Atty

Mark Hermodson called the meeting to order.

I. APPROVAL OF DECEMBER 16, 2003 MEETING MINUTES

Jack Rhoda moved to approve the minutes from December 16, 2003 meeting. Steve Schreckengast seconded and the motion carried by voice vote.

II. WALLACE TRIANGLE NEIGHBORHOOD PROPOSED ZONING MAP: The Wallace Triangle Neighborhood Association presents its zoning map proposal

Jim Noonan, President of Wallace Triangle Neighborhood Association, 618 South 11th Street, Lafayette, IN, stated that there is some disagreement among the homeowners as to what they want to see in the neighborhood. He said that on December 4, 2003 the area residents came up with a compromise that passed by a vote of 14 to 13. He presented slides and stated that this neighborhood is a gateway community. He mentioned that he has lived in several parts of the country and this is one of the best communities he has lived in. He said that a zone of R3 threatens the quality of the neighborhood and of Lafayette. He reviewed slides of a building condition map. He pointed out that there are 18 properties classified as fair to poor, 14 of which are rental properties, 1 is vacant and 2 are single-family homes. He stated that these determinations were made by the APC. He pointed out that the inner circle of the map had 9 properties designated as fair to poor, 8 of which are rental properties and 1 single family home. He said that this data indicates that the deterioration of the neighborhood was due to the rental properties. He mentioned that not all rental properties are in poor condition, some are in very good condition. He presented a slide of the proposed compromise that was reached at the neighborhood meeting on December 4, 2003. He stated that there was a proposal "B" that was also submitted which included a few more R2 sites in an effort for additional compromise. He said that proposal B receive approximately 10 votes. He informed the Committee that even though he had worked on proposal A, he actually voted for proposal B, because he believes in compromise. He explained that there were others who voted the same way and for the same reasons, and therefore the vote for A could have been more of a majority. He stressed that both proposals supported R1, with proposal B having slightly more compromise. He said that there were more changes and additions to proposal B, but he did not include them in the slide because he did not feel he had that authority. He reiterated that the APC data shows that the area should be R1. He said that he believes that this neighborhood needs R1 because it has destabilized since the first proposal in 1965. He explained that more and more of the homes have moved to rental properties with absentee owners. He stated that a lot of the residents of this neighborhood have lived there for 40 years, and in the next 3-4 years would be putting their homes up for sale. He said that if R3 remains, these home would be bought and converted. He presented a handout containing 9 points of importance.

Mark Hermodson explained the meeting procedures and the procedures for neighborhood rezoning. He stated that comments today, should be limited to the larger picture and focus on the overall view.

Jack Rhoda suggested stating the overall principals that have been applied to all the neighborhoods in the past. He explained that in the past the Commission has supported rezoning a building to what it was originally intended when it was built.

Mark Hermodson reiterated that if a building was originally built as a single-family home the Commission has supported restoring it to an R1 or R2 zone.

Sallie Fahey stated that the Ordinance Committee adopted that principal as a way to deal with properties in contention. She said that there have been some neighborhoods that have opted to keep R3, even though some buildings might have been built for single family.

Mark Hermodson mentioned that another reason behind this principal is to keep older home that are in good shape from being torn down in favor of apartment buildings.

Jack Rhoda left the meeting.

Wiley "Bud" Sanders, 612 South 10th Street, Lafayette, IN, stated that he owned 2 properties, the second of which is 620 South 10th Street. He said that the vote was not done by property, it was done by person, and so if two people lived in one house, it was counted as 2 votes. He said that if the APC wanted to downzone, then they should stick to the policy that if a house was built to be R3 than it should remain R3. He mentioned that new owners have recently fixed up 2 of the 9 properties that were listed in poor condition.

Steve Schreckengast asked if the two properties he was referring to were proposed to be R2U.

Wiley Sanders replied affirmatively.

John Hubner, 925 State Street, Lafayette, IN, stated that he represented himself and his wife Barbara. He presented pictures of his house that he occupies. He mentioned that when he purchased his home it was on the verge of demolition, but it was historic, so they restored it. He pointed out that his wife and he have done nothing but improve the quality of the neighborhood. He stated that he purchased the home as an R3 because when his son is grown, he wants to rent part of it out. He said that he should not lose any of his R3 rights but was willing to compromise to an R2, and no one would compromise with him. He reiterated that no one has done more to improve their property or the neighborhood than he has and it is an injustice that he cannot retain his rights.

Steve Schreckengast asked if his property was on this map and what it was proposed to be.

John Hebner pointed out his property on the map. He said that he agreed with Wiley Sanders' comments.

Sallie Fahey stated that Kathy Lind would put a map on the overhead for everyone's reference.

Mark Hermodson reiterated that comments should be limited to the concept of the rezone and not individual properties.

Gerald Leavell, 1007 State Street, Lafayette, IN, stated that he did not agree that the area was in decline because of rental properties. He said that he purchased his property as a rental and lived there for 23 years. He mentioned that several years ago the neighborhood was upgraded from average to good and the property taxes doubled. He stated that if the rental properties were causing a decline then the neighborhood should not have been upgraded. He pointed out that this would affect the resale ability of the property. He said that if something were to happen, it would

not be able to be rebuilt as an R3. He said that it is a very nice looking neighborhood and there are single-family homes that are not maintained, not just rentals.

Mark Hermodson pointed out that rentals are allowed in any zone in the County. He explained that the residential zones such as R1, R2 and R3, designated how many units can be on a property, not whether it is rented or owned.

Bruce Bottum, 1142, State Street, Lafayette, IN, said that he was in support of R1. He stated he and his wife are joint homeowners and therefore have two votes, while the landlords might own more than one property, and only have one vote. He said that the landlord and homesteader have 2 separate goals. He stated that he is also an absentee landowner and understands the problems. He explained that the landlord's goal is a return on an investment and the homeowner's goal is to live in a comfortable house in a comfortable neighborhood. He mentioned that there would always be opposing goals. He said that it is important that in a residential neighborhood that the group of those homes should be owner occupied. He commented on the problems in West Lafayette and their high school. He stated that the way to maintain a residential neighborhood is to maintain owner occupied houses. He said that some landlords have done a good job, some apartment owners have done a good job and some have not. He stated that it is the tenants that cause the problems, not the landlords. He said that the properties on either side of them have been rentals at one time or another. He informed the Committee that tenants from the rental properties have accosted him; he has had to call the City for lack of garbage disposal, wild animals attracted to the garbage and neatness of the property. He reiterated that it is not the owners, who create the problems it is the tenants. He said that he wants to know when a decision would be made and what process would determine that decision. He stressed that he wanted a resolution to be determined because nothing has been determined for months.

Mark Hermodson reiterated his earlier comments that 1) testimony would be heard today; 2) the staff would reassess the neighborhood, testimony, and planning principals; 3) the staff would present a proposal to the Committee in an open meeting, where further public comment would be heard, followed by Committee review and tweaking of specific properties. He stated that once the Committee is satisfied that the proposal is adequate, then it would be passed on to the full Plan Commission, who would hear further public comments and do more tweaking if necessary. Once the Plan Commission has voted it is passed to the City Council, who has to vote on it without changes.

Bruce Bottum asked for clarification that there would be 3 more meetings before it goes to the City Council.

Mark Hermodson explained there would be 3 more meetings as long as each meeting is completed. He explained that this type of hearing could go on for several meetings until everybody is heard.

Bruce Bottum stated that this is redundant because there have already been several meetings with the APC. He said that it has come to the point where enemies have been created within the neighborhood. He stressed that this should be the meeting where a yes or no decision is made.

Mark Hermodson stated that it is in process.

Bruce Bottum stated that this has been in the process too long.

Mark Hermodson explained that the process of neighborhood rezoning has always been for the neighborhood to present its own plan first. He pointed out that this neighborhood has been further divided than any other neighborhood the Commission has dealt with.

Steve Schreckengast asked if the plan that was currently on display had any staff input.

Sallie Fahey replied negatively. She stated it was completed solely by the neighborhood.

Mark Hermodson explained that there were staff that were chairing the meeting, but not giving input.

Steve Schreckengast asked Bruce Bottum, his opinion of the plan that was currently on the board.

Bruce Bottum stated that he was in agreement with the proposed plan. He referred to an earlier statement by a landlord who said that if the building was destroyed, it could not be rebuilt. He stated that was not true because the property was insured and the insurance money could be used to rebuild on another site.

James C. Werner, 615 South 10th Street, Lafayette, IN, stated that he was a schoolteacher and a veteran. He said that his time in the service has made him believe strongly in individual liberties. He commented that the proceeding in some of these meetings have debauched the democratic process. He said that he arrived at the last meeting late and does not know if he was counted in the vote or not. He pointed out that no one checked the people who were in attendance, to see if they were property owners in the area. He stated that 50% of the properties in this neighborhood were non-conforming, which meant that they were at least a duplex. He mentioned that 75% of the area's residents are renters. He stated that he was never invited to any neighborhood association meetings until the APC held one and invited him. He said that neither his tenants nor any tenants in the area were invited to neighborhood association meetings. He pointed out that some tenants have lived in the area for 20 years and they deserve a voice. He mentioned that his property has been a rental property since 1911, which is before most of the houses in the area were even built. He presented a handout to the Committee, which included a history and specifics of his property. He stated that his property is on the proposal as being spot-zoned to R2U.

Steve Schreckengast asked James Werner how many units were in his building.

James Werner stated that his building was a four unit building. He said that he purchased the building as an existing four unit, as did the previous owner, who was also present. He presented letters from a building inspector and an architect, which disputed false claims about his property. He said that as a result of their first visualization exercise there were 65 different ideas. He pointed out that when the neighborhood voted, there were given two choices to choose from. He explained that both choices were almost identical with the exception of a few properties. He stated that he did not vote on either choice, because he felt that if people wanted to change their houses that was their right. He said that when it comes to taking property rights, he would always be in favor of protecting individual rights.

Stephen Wein, 619 South 10th Street, Lafayette, IN, stated that he has lived at this location for 28 years and is in favor of the R1U and the proposal that was currently on display. He pointed out that according to the ordinance, R1U was the only zoning that fits this area because of lot size, rear setbacks and lot coverage. He mentioned that there were some wonderful landlords in the area, but there was no guarantee that they would be there 10 years from now. He pointed out that as a homeowner he planned on living in his house until he dies and it was not very likely that landlords would do the same. He stated that he is invested in his house, just as much as the landlords are invested in their properties. He said that tenants do not care how their garbage is disposed of, or where they park. He stated that the landlords are not the problem it is the tenants. He reiterated that the ordinance states that R1U is the only zone that fits this area. He stated that he is in agreement with the proposal that was currently on display. He pointed out that the properties on the proposal that were R2U, were originally built that way and he agreed with that. He said that he was concerned with an R3 zone or expanding it to all R2.

Steve Schreckengast asked Stephen Wein how he felt about the 4-unit house that has been in existence since 1911.

Stephen Wein informed the Committee that when that house was originally built, it was built as a two unit and is currently spot-zoned as an R2U.

Mark Shorter, 601 South 10th Street, Lafayette, IN, stated that he owned several properties in this area; 1103 State Street, 1007 Elliot Street and 3 units at 601 South 10th Street on lot 29. He said that he was very much opposed to R1U. He pointed out that at the corner of 10th and Elliot, there should not be a line through the map because it was one lot. He presented a copy of the deed to that lot.

Kathy Lind agreed that it was one lot. She explained that there was a line on the map because there were two buildings on it, even though it was one lot.

Ladonna Shorter, 601 South 10th Street, Lafayette, IN, pointed out that when they purchased four properties in this area, they were zoned R3. She mentioned that there were questions on the map before they voted which were supposed to be looked into, but the vote went on anyway. She stated that all four of their properties were proposed to be down-zoned to R1 even though they have 3 units on it. She said that the building that was built on the property that was divided, was built as a residence. She mentioned that they just sold one of their properties that was rundown. She said that they fixed up the property, very nicely and sold it to a couple as a single family home. She pointed out that they have improved the neighborhood four times and yet all of their property is falling through the cracks. She asked that they review the proposal very closely because some of their properties have to be at least R2U.

Steve Schreckengast asked how many units 1103 State Street and 1007 Elliot had.

Ladonna Shorter stated that 1103 State Street was a 2-unit building and 1007 Elliot was a single family. She said that they purchased 1007 Elliot as an R3 thinking they might divide it, but have no objection to R1U for that site. She mentioned that this was the old Dillinger house and is a very nice property, so they decided not to divide it.

Steve Schreckengast asked if 601-5 South 10th Street was a 3-unit.

Ladonna Shorter replied affirmatively. She mentioned that the garage apartment was built as a private residence. She explained that it was not a garage that was added onto.

Steve Schreckengast mentioned the next meeting and asked how it would be advertised.

Mark Hermodson stated that the same procedures would be followed. He stated that property owners would receive a postcard.

Sallie Fahey stated that the staff would mail a letter to the property owners.

Ladonna Shorter stated that she would like the record to show that she and her husband, Mark Shorter, live at 7112 South 100 East, Lafayette, IN. She mentioned that they never received the last letter and only knew about this meeting because they called the APC office.

Steve Schreckengast asked if the next meeting would be scheduled at the end of this meeting.

Mark Hermodson stated that would depend on how far they get in this meeting.

Steve Schreckengast stressed that everybody who has a concern with his or her specific property, should attend the next meeting. He said that it was important that they attend the next meeting with pictures to present their case. He mentioned that the staff would review the proposal that is on display along with the testimony from today's hearing and adjust the proposed map. He explained that the map at the next meeting would not be the same as the one currently on display.

Ladonna Shorter wanted to make sure that she and her husband were notified of the next meeting.

Mark Hermodson asked Ladonna Shorter to give her address to Kathy Lind.

Sallie Fahey stated that the way the notification process works is that all property owners were notified of this meeting and this meeting is the notification of the next meeting. She explained that at the end of this meeting, the Committee must decide when the next meeting would be.

Oliaf Espenes, 115 Memory Lane, Lafayette, IN, stated that he owns a piece of property in this area that is a duplex. He said that he does not support the proposed map and would like the zoning to stay as is. He stated that if the tenants become a problem in the neighborhood, then they become the landlord's problem. He pointed out that it is the responsibility of the owners to handle any problems that the tenants cause. He stressed that he does not expect any of his tenants to cause problems.

Kathy Downey, 520 South 10th Street, Lafayette, IN, stated that she was in support of R1U zoning for the neighborhood. She stressed that this neighborhood is not the Centennial neighborhood, it does not look like the Centennial neighborhood, it is not the North 9th Street neighborhood and it does not look like the North 9th Street neighborhood. She said that although this process just started last spring, the residents of the area have been struggling to preserve the character and quality of the neighborhood for over 20 years. She pointed out that this is not a recent desire of the neighborhood, but has become more and more important. She stated that R2U for this neighborhood would do further damage. She said that she understands the concerns of the investors and the owner occupied property owners have tried to compromise with out causing further harm. She mentioned that when this process started they reviewed the UZO and determined that this was an R1U neighborhood. She said that she understands that the zone does not exclude tenants and they do not wish to exclude tenants or investors. She stated that the size of the neighborhood, housing size, lot size, setbacks and the parking issues all dictate R1U, which shows the wisdom of the UZO.

Steve Schreckengast asked Kathy Downey if she agreed with the R2U that was on the proposed map.

Kathy Downey stated that she agreed with R2 if it was existing or built as .

Teresa Noonan, 618 South 11th Street, Lafayette, IN, stated that she has lived in the area for 11 years and a lot of residents have lived there for a very long time, which contributes to the stability of the area. She mentioned that there are a lot of residents who are reaching retirement age and they are concerned with the turn over. She pointed out that every one could live in other places with better amenities, but they choose to live in an older neighborhood with older housing. She said many owners feel that they are caretakers of something that existed before they were born and they hope they can pass them on in good condition for the next generation. She stated that these houses deserve respect. She said that further expansion in this neighborhood would cause further damage to the character and beauty of the neighborhood.

Barb Hubner, 925 State Street, Lafayette, IN, stated that several comments made this evening were not true. She referred to the comment that renters throw parties and take up all the space on the street. She pointed out that owner occupied homes do the same thing. She stated that she has lived there for 2 ½ years and has never been informed or invited to a neighborhood association meeting nor was she aware the James Noonan was elected as the president of the association. She informed the Committee that she was willing to compromise to an R2U zone for her property.

John Downey, 520 South 10th Street, Lafayette, IN, mentioned that there are not too many new issues because this has been argued at four prior meetings. He stated that almost all of the properties are under 50 wide. He stated that everything south of Kossuth Street is all R1B and 50 foot wide. He said that there is no off-street parking in the requirements for R2U. He pointed out that most of the homes that have 2-3 units do not have off-street parking. He mentioned that whenever the City of Lafayette is contacted, they say they cannot plow because the street is too narrow and there are too many cars parked for a plow to fit. He stated that in order to preserve

this neighborhood it would have to be changed to R1U. He said that in the 1960's when the R2 was added, the area was 85% single family and has steadily and noticeably declined. He mentioned that any multi-family house would be allowed to continue to function as such. He stated that there are 2-4 properties that are non-conforming. He said that he did not agree that this would take away any rights of the landlords. He asked the people who were in favor of the proposed map to stand. John Downey stated that there were several people in the R1 area on the Calvert Lane side that were not present.

Fourteen people stood.

Mark Hermodson reiterated that speakers should not repeat what others have already said.

Diane Bottum, 1142 State Street, Lafayette, IN, pointed out that this is a city with zoning laws, not a small town. She explained that with those laws come privileges such as adding on to their home. She stated that property rights are not exactly what they should be talking about. She said that when people have property rights problems, they appeal to a zoning board. She stated that they are trying to establish a zoning that best fits the neighborhood and most people feel that R1U is that zone.

Joe Rock, 501 Calvert Lane, Lafayette, IN, stated that technically his home is off the map, but he has to drive through this neighborhood to get to his home. He said that the reason he did not stand was because it is hard for him and most regular people to be able to understand a map such as this and truly decide whether it is fair to everyone. He said that property values should be protected now and in the future by slowing down the increase of multi-family homes. He stated that there has to be a compromise for every one. He pointed out landlords should want the neighborhood to be stabilized because it would increase their property value and rental income. He mentioned that there is no parking on State Street. He said that multi-family should not be taken away from current owners, but any future multi-family should be prohibited.

Marianne Curtis Rose, 606 South 11th Street, Lafayette, IN, stated that she and her father have lived in this neighborhood their entire lives. She said that she has seen this neighborhood go in many different directions over the years. She stated that her father also has two rental properties. She commented that this area currently has a nice mixture and balance and they would like to keep it that way. She said that they supported the R1U.

James Noonan presented a document that recapped his earlier presentation.

Kathy Wien 619 South 10th Street, Lafayette, IN, stated that since railroad relocation the commute to West Lafayette has gotten a lot shorter, which has increased the incentive to create more multi-family. She mentioned that there are some owners who have properties together and if it remains R3, a large apartment could be put up. She stated that she was in favor of R1U with the proposed exceptions. She asked about the property at 1007 Elliot.

Kathy Lind explained that there are two buildings on one lot, one is a duplex and one is a single unit. She stated that does not count as a multi-family, that is a duplex and single family home.

Kathy Wien stated that she would not be opposed to an R2U for that duplex.

Mark Hermodson stated that was an issue that should be discussed at the next meeting.

David Rayner, stated that he has been involved in several neighborhood rezones. He agreed with the comments of Joe Rock that rights should not be taken away from current multifamily homes, but any further expansion should be prohibited. He stated that he has restored a lot of historic homes and some of the homes they have referred to are outstanding properties. He said that this area needs to be stabilized, but some of the R2Us should be changed to R3Us.

Mark Hermodson stated that at this point the process is turned over to the staff for review so they can propose a new map for the next Ordinance Committee meeting.

KD Benson asked that existing use also be included in the next meeting.

Mark Hermodson replied affirmatively.

Bruce Bottum asked for a written outline of all the steps remaining in the process.

Kathy Lind stated that one has been handed out at every neighborhood meeting that has been held. She said that she could get him another copy.

James Noonan stated that the last person who spoke (David Rayner), was not a resident of this neighborhood nor does he own property in the neighborhood.

Mark Hermodson stated that was not revelant. He stressed that this was an open public meeting, which anyone was allowed to speak at.

Next meeting for wineries set for January 20, 2004. Next meetings for Wallace Triangle set for February 4th and 17th, 2004.

Mark Hermodson asked if the staff's proposal would be ready by February 4, 2004.

Sallie Fahey replied affirmatively.

Mark Hermodson reiterated that the next meeting for this issue would be on February 4, 2004 to review staff's proposal and hear arguments on individual properties.

Sallie Fahey stressed that the current proposal would be the starting point for the staff's proposal.

III. CITIZEN COMMENTS

IV. ADJOURNMENT

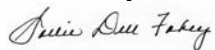
Steve Schreckengast moved to adjourn the meeting. KD Benson seconded and the motion carried by voice vote.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director